



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: BRIAN MCCORMICK
Regulatory and Manual Section Manager
Department of Medical Assistance Services

FROM: ELIZABETH A. MCDONALD
Special Counsel to DMAS

DATE: September 7, 2007

SUBJECT: Proposed Regulations concerning Substance Abuse Treatment Services

I have reviewed the attached proposed regulations concerning the establishment of coverage of basic substance abuse treatment services.

Based on that review, it is this Office's view that the Director, acting on behalf of the Board pursuant to Va. Code § 32.1-324, has the authority to promulgate these regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and has not exceeded that authority. The regulations will enable the Director, in lieu of the Board of Medical Assistance Services, to establish substance abuse treatment services for children and adults, which include emergency services; evaluation and assessment; outpatient services, intensive outpatient services, targeted case management; day treatment and opioid treatment services. The changes were first made by the promulgation of emergency regulations.

The authority for the previously promulgated emergency regulations and the proposed regulations is Item 302(PPP) of the 2007 Appropriation Act. These regulations will ensure that DMAS complies with this mandate of the General Assembly.

If you have any questions or need additional information, please feel free to contact me at 786-3890.

cc: Kim F. Piner
Senior Assistant Attorney General